

JUDGE STEIN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

15 CV 3219

SILENT GLISS INTERNATIONAL AG and  
SILENT GLISS INC.,

Plaintiffs,

- against -

SUN DECOR FABRICS and GLORIA NEUMANN,

Defendants.

Civil Action No.:

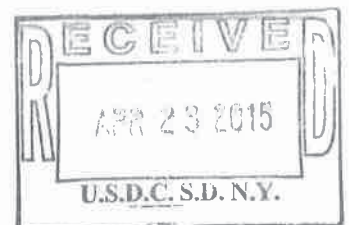
**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiffs, Silent Gliss International AG (“SGI”) and Silent Gliss Inc. (“SGUSA”) (together, “Plaintiffs”), by their attorneys, Tannenbaum Helpert Syracuse & Hirschtritt LLP, for their Complaint herein allege:

**Nature of the Action**

1. This is an action for (a) use of false and misleading descriptions or representations of fact in connection with the sale of goods in interstate commerce in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125, (b) infringement of registered trademarks in violation of § 32 of the Lanham Act, 15 U.S.C. § 1114, (c) unfair competition in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125, (d) unfair competition under New York law, (e) use of deceptive acts or practices in the conduct of business, trade or commerce or the furnishing of services in violation of New York General Business Law § 349, and (f) violation of the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), arising from the Defendants’ improper use of false and misleading descriptions and representations of fact, SGI’s registered trademarks, and bad faith



use of the Internet domain name <silentglissusa.com> to hold itself out falsely to the public as an “authorized dealer” for Silent Gliss products.

### **The Parties**

2. Plaintiff Silent Gliss International AG is an Aktiengesellschaft organized and existing under the laws of Switzerland with its principal place of business at Worbstrasse 210, CH-3073 Gümligen, Switzerland.

3. Plaintiff Silent Gliss Inc. is a corporation organized and existing under the laws of the State of New York with its principal place of business at 753 East 134<sup>th</sup> Street, 3<sup>rd</sup> Floor, Bronx, New York 10454

4. Upon information and belief, defendant Sun Decor Fabrics is a sole proprietorship of defendant Gloria Neumann, a partnership of Gloria Neumann and one or more others, or other unincorporated business entity of which Gloria Neumann is a principal, doing business under the fictitious business name “Sun Decor Fabrics” with its principal place of business at 200 Lexington Avenue, Suite 417A, New York, New York 10016.

5. Upon information and belief, defendant Gloria Neumann is an individual and a principal of defendant Sun Decor Fabrics, with her principal place of business at 200 Lexington Avenue, Suite 417A, New York, New York 10016

### **Jurisdiction**

6. This action arises, *inter alia*, under the Trademark Act of July 5, 1946, as amended, 15 U.S.C. §§ 1051 *et seq.*, known as the Lanham Act.

7. This Court has jurisdiction of this action pursuant to § 39(a) of the Lanham Act, 15 U.S.C. § 1121(a); 28 U.S.C. §§ 1331, 1338(a) and (b), and 1367(a).

## FACTS COMMON TO ALL CLAIMS FOR RELIEF

### Plaintiffs' Business and Trademarks

8. SGI engages in the business of designing, producing and distributing a complete system of window treatment products, composed of tracks, runners, hooks, wheels and other accessories for fastening, hanging, opening and closing of curtains and blinds of all kinds, as well as other products for interior decoration purposes, and providing, including through its network of Authorized Distributors, services relating to the installation and repair of curtain systems.

9. SGI markets its products and services throughout most of the world under the brand name and trademark SILENT GLISS and the Silent Gliss Cat Logo:



10. SGI owns the following registered United States trademarks for various of its goods and services:

- United States Trademark Registration No. 1,132,716 for the mark SILENT GLISS (the “716 Mark”) for “Sporting, Guiding and Actuating Devices for Curtains; Electro-Mechanical Transport Installations for Curtains, Accessories for Curtain Rails such as Supports, End Covers, Cord Guides, Gliders and Rollers, Hooks and Tapes, All Sorts of Connecting Parts, Hangers, Cord Drawn Track Installations for Stages, Separations for Compartments, and Vertical Blinds. The ’716 Mark has been continuously registered since April 8, 1981, has been used in commerce in the United States since at least March 1961, and has become incontestable pursuant to § 15 of the Lanham Act, 15 U.S.C. § 1065;

- United States Trademark Registration No. 1,221,788 for the mark SILENT GLISS (the “788 Mark”) for “textile fabrics for curtains; curtains, especially curtain strips of

textile material and of plastics.” The ’788 Mark has been continuously registered since December 28, 1982, is used in commerce in the United States and has become incontestable pursuant to § 15 of the Lanham Act, 15 U.S.C. § 1065;

- United States Trademark Registration No. 1,313,083 for the mark SILENT GLISS and design (shown below) (the “’083 Mark”) for curtains, blinds and numerous goods used in connection therewith. The ’083 Mark has been continuously registered since January 8, 1985, is used in commerce in the United States and has become incontestable pursuant to § 15 of the Lanham Act, 15 U.S.C. § 1065;



- United States Trademark Registration No. 4,549,790 for the mark SILENT GLISS and design (shown below) (the “’790 Mark,” and, together with the registrations identified above, the “Silent Gliss Trademarks”) for “installation and repair of curtain systems.” The ’790 Mark has been continuously registered since June 17, 2014 and is used in commerce in the United States.



Copies of the Certificates of Registration for the above identified marks are annexed as Exhibit A to the Complaint.

11. SGI markets its products and services in the United States through its designated Authorized Dealer, SGUSA. SGUSA is the exclusive Silent Gliss Authorized Dealer in the United States.

12. Certain of SGI's Silent Gliss products are protected by various United States patents (the "Patents"). SGI's exclusive United States Authorized Dealer SGUSA is licensed to practice the Patents and/or sell goods manufactured under the Patents.

13. Certain of SGI's products and services require the use of know-how and trade secrets belonging to SGI (the "Know-How and Trade Secrets"). SGI's exclusive United States Authorized Dealer SGUSA is licensed to use such Know-How and Trade Secrets, which have been disclosed to it.

14. Although others sometimes sell Silent Gliss products, obtained from sources other than SGI, in the United States, no firm in the United States other than SGUSA is authorized to hold itself out to the public as an "Authorized Dealer" of Silent Gliss products and services, licensed to practice or sell goods manufactured under the Patents, or possesses or is licensed to use the Know-How and Trade Secrets.

15. No firm in the United States other than SGUSA is authorized or licensed to provide Silent Gliss services under the '790 Mark. The Silent Gliss services are of high quality and SGI controls the quality of the services provided under the '790 Mark by its Authorized Dealers.

16. SGI does not control the quality of services provided by sellers of its products other than Authorized Dealers and such services may not meet the quality standards of Silent Gliss services. Further, sellers of SGI's products other than Authorized Dealers are not licensed under the Patents, are not licensed to use the Know-How and Trade Secrets and do not know the Know-How and Trade Secrets and so cannot use them for the benefit of their customers.

17. Selling its products and services through its Authorized Dealers, such as SGUSA, is an important component of SGI's marketing strategy and enables SGI to ensure that those who

purchase its products through an Authorized Dealer will receive products and services of the high quality associated with the Silent Gliss Trademarks.

18. Being an Authorized Dealer of SGI products and services imposes certain costs and obligations on SGUSA that other sellers of SGI products in the United States do not bear. However, being authorized to hold itself out to the public as an Authorized Dealer of SGI products also benefits SGUSA because it assures consumers that they will receive products and services of the quality they associate with the Silent Gliss Trademarks.

19. Consumers of SGI's products also benefit from purchasing through an SGI Authorized Dealer because they can be assured that they will receive products and services of the high quality associated with the Silent Gliss Trademarks.

#### **Defendants' Wrongful Activities**

20. Prior to November 1, 2014, Defendant Sun Decor Fabrics had been permitted to purchase Silent Gliss products from SGI's United Kingdom subsidiary for sale in the United States, although it was never appointed as an Authorized Dealer. As of November 1, 2014, however, even that permission was terminated. As of that date, SGI appointed SGUSA as its exclusive United States Authorized Dealer, and so advised Sun Decor Fabrics. Since at least November 1, 2014 there has been no colorable basis whatever for Defendant Sun Decor Fabrics to hold itself out to the public as an Authorized Dealer of Silent Gliss products in the United States.

21. On or about July 26, 2011, during the period Sun Decor Fabrics was permitted to purchase Silent Gliss products through SGI's UK subsidiary for sale in the United States, Defendant Gloria Neumann — without the permission of SGI — registered the Internet domain

name <silentglissusa.com> through the registrar Hostopia.com Inc., d/b/a Aplus.net and currently remains the owner of the <silentglissusa.com> domain name.

22. At some point thereafter, Ms. Neumann arranged for the <silentglissusa.com> domain name to direct visitors to Sun Decor Fabrics' Internet web site located at <sundecorfabrics.com>. Defendants' registration and use of the <silentglissusa.com> domain name was in violation of SGI's policies, which forbid purchasers of Silent Gliss products (as opposed to Authorized Dealers) from using domain names that include "silentgliss."

23. When SGI learned of Defendants' violation of its policy, SGI, through its UK subsidiary, wrote to Defendants, demanding, as a matter of urgency, that Defendants cease use of the <silentglissusa.com> domain name. Defendants have, however, failed and refused to comply and, indeed, have expanded their use of the <silentglissusa.com> domain name by launching a separate website specifically devoted to Silent Gliss products, in addition to maintaining their own Sun Decor Fabrics website.

24. Through, *inter alia*, the following actions, Defendants are, and have been since at least November 1, 2014, falsely representing to the consuming public and the trade that Defendant Sun Decor Fabrics is either the exclusive United States Authorized Dealer, or an Authorized Dealer, of Silent Gliss products and services:

- The home page of Defendant Sun Decor Fabrics' Internet web site, located at <sundecorfabrics.com>, until very recently prominently stated:

**EXCLUSIVE SILENT GLISS DEALER IN USA!**

Now the only direct U.S. source for  
Silent Gliss, Sun Decor Fabrics  
continues  
to be your preeminent source for  
quality





and innovation in window treatments.

A screenprint of the home page of Sun Decor Fabrics' Internet web site home page, as of February 13, 2015, is annexed as Exhibit B to the Complaint. The foregoing language does not appear on the Sun Decor Fabrics website at present, however, in light of Defendants' prior intransigent refusal to remove such language described below, and Defendants' continued advertising and oral representation to potential customers that Sun Decor Fabrics is currently an Authorized Dealer of Silent Gliss products, Plaintiffs have no assurance that absent injunctive relief from this Court Defendants will not repost said language or similar language, along with the Silent Gliss logo on their website.

- Defendants continue to use the <silentglissusa.com> domain name to maintain an Internet website, separate from the Sun Decor Fabrics website, devoted solely to Silent Gliss products. Until recently the home page of the <silentglissusa.com> website stated that "Sun Decor Fabrics" is "your **Authorized**, Direct from Europe Source for Silent Gliss Window Treatments in the United States" and further stated, "Welcome to Silent Gliss at Sun Decor Fabrics. Offering the most sophisticated and contemporary window treatments available, Sun Decor Fabrics is proud to continue offering Silent Gliss Products in the United States **as an authorized dealer.**" (Emphasis supplied.) A screenprint of the home page of the <silentglissusa.com> website as of February 13, 2015 is annexed as Exhibit C to the Complaint. As of the filing date of this Complaint the homepage of the website has been changed to state only that Sun Decor Fabrics sells Silent Gliss products, but is still in violation of SGI's policy. Plaintiffs have no assurance that absent injunctive relief from this Court Defendants will not reinstate language misrepresenting Defendants' status on the <silentglissusa.com> website homepage at any time. An internal page of the website, accessible to the public, continues to



misrepresent that Sun Decor Fabrics is “Your Authorized, Direct from Europe Source for Silent Gliss Window Treatments in the United States.” A printout of this internal webpage is annexed as Exhibit D to the Complaint.

- Upon information and belief, as recently as March 30, 2015, Sun Decor Fabrics orally misrepresented to a potential customer during a telephone conversation that it is an Authorized Dealer for all Silent Gliss products.

- Sun Decor Fabrics continues to advertise on the Internet that it is an Authorized Silent Gliss dealer. Several examples of such advertisements are annexed as Exhibit E to the Complaint.

25. The foregoing actions and statements, together with the display of the '083 Mark in proximity to the false statements on the Sun Decor Fabrics website, the display of the SILENT GLISS mark in proximity to the false statements on the <silentglissusa.com> website, and the use of the <silentglissusa.com> domain name for such website, falsely indicates to the consuming public and the trade that Defendant Sun Decor Fabrics is either the exclusive U.S. Authorized Dealer for Silent Gliss products, or an Authorized Dealer.

26. Defendants' misrepresentations that Sun Decor Fabrics is the exclusive U.S. Authorized Dealer, or an Authorized Dealer, for Silent Gliss products and services damages Plaintiffs and the consuming public:

- SGI is damaged, *inter alia*, because its trademarks are infringed, its distribution system is disrupted and its reputation and goodwill are put at risk because consumers may not receive from Sun Decor Fabrics the quality of products and services that a true Authorized Dealer is obligated to provide;

- SGUSA is damaged, *inter alia*, because it has incurred the costs and obligations of being the exclusive U.S. Authorized Dealer of Silent Gliss products and services but is deprived of the benefit of enjoying that status by Defendants' false and misleading actions, SGUSA has lost sales to Defendants; and

- The consuming public is damaged because its members who would prefer to deal with the Authorized Dealer will be confused into believing that they are doing so, or at least dealing with an Authorized Dealer.

27. Sun Decor Fabrics is neither the exclusive U.S. Authorized Dealer for Silent Gliss products nor an Authorized Dealer.

28. Sun Decor Fabrics is not licensed under the Patents, the Know-How and Trade Secrets or the "Silent Gliss" marks.

**Plaintiffs' Efforts to Stop the Misrepresentation and Defendants' Dogged Refusal to Do So.**

29. Defendants engaged in the wrongful conduct described above for at least the past several years. On several occasions in addition to the communication described in Paragraph 23 above, one of the Plaintiffs, or both, have contacted Defendants, advised them that their misrepresentations were wrongful and asked them to stop misrepresenting that Sun Decor Fabrics' is a Silent Gliss Authorized Dealer or is in any way affiliated with, approved by or licensed by, SGI. Defendants entirely disregarded these requests.

30. In January 2015, Plaintiffs retained counsel to assist them in stopping Defendants' wrongful conduct.

31. On or about February 13, 2015, Plaintiffs' counsel sent a letter to Sun Decor Fabrics expressly calling its misrepresentations to its attention and demanding that the misrepresentation

stop (The “Cease and Desist Letter”). The Cease and Desist Letter requested a response not later than close of business on March 2, 2015. A copy of the letter is annexed as Exhibit F to the Complaint.

32. Defendants did not respond to the Cease and Desist Letter by March 2, 2015, and have made no response whatever since that date.

33. Accordingly, Plaintiffs have been forced to commence this action to seek injunctive relief, damages and attorneys’ fees for Defendants’ wrongful actions.

34. Defendants’ persistent, continued misrepresentations and intransigent refusal to stop their wrongful conduct despite communications from Plaintiffs and a Cease and Desist Letter from Plaintiffs’ counsel make clear that Defendants’ actions are deliberate and willful and that this case is “exceptional” within the meaning of § 35(a) of the Lanham Act, 15 U.S.C. § 1117(a), warranting an award of reasonable attorneys’ fees to Plaintiffs.

35. The acts of Defendants complained of above have been conducted in commerce and have damaged and, unless enjoined, will continue to damage SGI’s business and SGUSA’s business.

36. Plaintiffs have no adequate remedy at law.

**FIRST CLAIM FOR RELIEF**  
**(Use of False or Misleading Description or Representation of**  
**Fact in Violation of Lanham Act § 43(a), 15 U.S.C. § 1125(a))**

37. Paragraphs 1 through 36 above are incorporated herein by reference as if fully set forth at length.

38. Defendants’ activities described above, in particular, its misrepresentations that it is the exclusive U.S. Authorized Distributor, or an Authorized Distributor of Silent Gliss products and services, constitute use of false or misleading descriptions of fact or false or misleading

representations of fact in connection with Silent Gliss goods and services which are likely to cause confusion or mistake, or to deceive as to the affiliation, connection or association of Sun Decor Fabrics with SGI.

39. Defendants' acts thus violate § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

40. By reason of the foregoing, Plaintiffs have been injured in their respective businesses and are entitled to preliminary and permanent injunctive relief and damages, including defendant's profits, actual damages and the costs of this action, pursuant to § 35(a) of the Lanham Act, 15 U.S.C. § 1117(a).

**SECOND CLAIM FOR RELIEF**  
**(Infringement of Registered Trademark in**  
**Violation of Lanham Act § 32, 15 U.S.C. § 1114)**

41. Paragraphs 1 through 40 above are incorporated herein by reference as if fully set forth at length.

42. Defendants' use and display of the Silent Gliss Trademarks, on its websites and in its <silentglissusa.com> domain name, in such a manner as to promote and reinforce their misrepresentations that Sun Decor Fabrics is the exclusive U.S. Authorized Dealer for Silent Gliss products and services, or an Authorized Dealer, infringed SGI's registered trademarks in violation of § 32 of the Lanham Act, 15 U.S.C. § 1114.

43. By reason of the foregoing, Plaintiffs have been injured in their respective businesses and are entitled to preliminary and permanent injunctive relief and damages, including defendant's profits, actual damages and the costs of this action, pursuant to § 35(a) of the Lanham Act, 15 U.S.C. § 1117(a).

**THIRD CLAIM FOR RELIEF**

**(Unfair Competition in Violation of Lanham Act § 43(a), 15 U.S.C. § 1125(a))**

44. Paragraphs 1 through 43 above are incorporated herein by reference as if fully set forth at length.

45. Defendants' use and display of the Silent Gliss Trademarks in such a manner as to promote and reinforce their misrepresentations that Sun Decor Fabrics is the exclusive U.S. Authorized Dealer for Silent Gliss products and services, or an Authorized Dealer, constitute unfair competition in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

46. By reason of the foregoing, Plaintiffs have been injured in their respective businesses and are entitled to preliminary and permanent injunctive relief and damages, including defendant's profits, actual damages and the costs of this action, pursuant to § 35(a) of the Lanham Act, 15 U.S.C. § 1117(a).

**FOURTH CLAIM FOR RELIEF**

**(Unfair Competition under New York Law)**

47. Paragraphs 1 through 46 above are incorporated herein by reference as if fully set forth at length.

48. Plaintiffs' course of conduct of using misrepresentations that it is a Silent Gliss Authorized Dealer, displaying the Silent Gliss trademarks in a manner reinforcing those misrepresentations, and using an Internet domain name falsely implying that it is an Authorized Dealer or otherwise sponsored by or associated with SGI constitutes unfair competition under the common law of the State of New York.

49. By reason of the foregoing, Plaintiffs have been injured in their respective businesses and are entitled to preliminary and permanent injunctive relief and damages in an amount to be proved at trial and punitive damages.

**FIFTH CLAIM FOR RELIEF**  
**(Use of Deceptive Acts or Practices)**

50. Paragraphs 1 through 49 above are incorporated herein by reference as if fully set forth at length.

51. The acts and conduct of Defendants complained of above constitute use of deceptive acts or practices in the conduct of business, trade or commerce or the furnishing of services in violation of New York General Business Law § 349.

52. By reason of the foregoing, Plaintiffs and the consuming public have suffered, and unless enjoined by this Court will continue to suffer, irreparable and immediate injury for which neither has an adequate remedy at law.

53. By reason of the foregoing, Plaintiffs have been injured in their respective businesses and are entitled to preliminary and permanent injunctive relief and to recover damages in an amount to be proved at trial.

**SIXTH CLAIM FOR RELIEF**  
**(Violation of the Anticybersquatting Consumer Protection Act)**

54. Paragraphs 1 through 53 above are incorporated herein by reference as if fully set forth at length.

55. On or about July 26, 2011, Defendant Gloria Neumann registered the Internet domain name <silentglissusa.com> in violation of SGI's policy against purchasers of its products registering domain names that include "silentgliss."

56. At the time of such registration the SILENT GLISS trademark and the SILENT GLISS cat logo, including the '716 Mark, the '788 Mark and the '083 Mark, were in use in the United States and had become distinctive of SGI's goods and services.

57. The <silentglissusa.com> domain name is identical or confusingly similar to the Silent Gliss trademarks.

58. Defendant Gloria Neumann has registered, and Defendants have used, the domain name <silentglissusa.com> with a bad faith intent to profit from the Silent Gliss Trademarks by using the domain name and the trademarks as part of a course of conduct misrepresenting to the purchasing public that Sun Decor Fabrics is a Silent Gliss Authorized Dealer or the exclusive U.S. Authorized Dealer.

59. By reason of the foregoing Plaintiff SGI has been injured in its business and is entitled to preliminary and permanent injunctive relief, damages in an amount to be proved at trial and an Order pursuant to § 43(d)(1)(C) of the Lanham Act, 15 U.S.C. § 1125(d)(1)(C) ordering the transfer of the <silentglissusa.com> domain name to SGI or the forfeiture or cancellation of the <silentglissusa.com> domain name.

WHEREFORE, Plaintiffs demand judgment:

(a) Enjoining Defendants, Defendants' officers, agents, employees, attorneys, subsidiaries, assigns or related companies, and those in active concert or participation with Defendants, or either of them, who receive actual notice of the judgment by personal service or otherwise, from in any way, directly or indirectly, holding out Sun Decor Fabrics or any other business operated by the Defendants to the public as an Authorized Dealer or exclusive Authorized Dealer of any Silent Gliss products or services or displaying any SILENT GLISS trademark or logo in a manner suggesting or implying, or supporting the suggestion or implication, that Sun Decor Fabrics or any other business operated by the Defendants is an Authorized Dealer of Silent Gliss products or otherwise misrepresenting an association or affiliation with SGI



(b) Directing Defendants to file with this Court, within thirty (30) days after entry of any injunction in this case, a written statement, under oath, setting forth in detail the manner in which Defendants have complied with the injunction;

(c) Directing Defendants to account to Plaintiffs for the profits of its infringement and wrongful acts;

(d) Awarding Plaintiffs their damages, in an amount to be proved at trial, resulting from the acts alleged herein, enhanced in accordance with § 35 of the Lanham Act, 15 U.S.C. § 1117, or other applicable law;

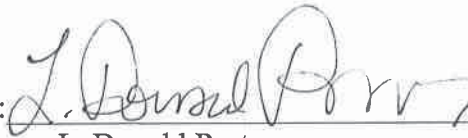
(e) Awarding Plaintiffs reasonable attorneys' fees in accordance with § 35(a) of the Lanham Act, 15 U.S.C. § 1117(a); and

(f) Ordering the transfer of the domain name <silentglissusa.com> to SGI or the forfeiture or cancellation of the domain name <silentglissusa.com>.

together with such other and further relief as this Court deems just and proper and the costs and disbursements of this action.

Dated: New York, New York  
April 23, 2015

TANNENBAUM HELPERN  
SYRACUSE & HIRSCHTRITT, LLP

By:   
L. Donald Prutzman  
900 Third Avenue  
New York, New York 10022  
(212) 508-6700  
Attorneys for Plaintiffs

# **EXHIBIT A**

Int. CL: 20

U.S. Cls.: 23 and 32

Reg. No. 1,132,716

U.S. Patent and Trademark Office

Reg. Apr. 8, 1960

**TRADEMARK**

Principal Register

**SILENT GLISS**

Silent Gliss International Ltd. (Switzerland corporation)  
Belpoense 3  
Muri near Bern, Switzerland

For: Sporting, Guiding and Actuating Devices for  
Curtains; Electro-Mechanical Transport Installations for  
Curtains; Accessories for Curtain Rails such as Supports, End  
Covers, Cord Guides, Gliders and Rollers, Hooks and Tapes,  
All Sorts of Connecting Parts, Hangers, Cord Drawn Track  
Installations for Stages, Separations for Compartments, and  
Vertical Blinds —in Class 30 (U.S. Cls. 2) and 32).  
First use Oct. 1952; in commerce Mar. 1961.

Ser. No. 128,663. Filed May 31, 1977

R. KOLAKOSKI, Examiner

**Int. Cl.: 24**

**Prior U.S. Cl.: 42**

**United States Patent and Trademark Office**

**Reg. No. 1,221,788**

**Registered Dec. 28, 1982**

**TRADEMARK**  
**Principal Register**

**SILENT GLISS**

Silent Gliss International Ltd. (Switzerland  
corporation)  
Belgistrasse 3  
Muri near Berne, Switzerland

For: TEXTILE FABRICS FOR CURTAINS;  
CURTAINS, ESPECIALLY CURTAIN STRIPS  
OF TEXTILE MATERIAL AND OF PLASTICS,  
in CLASS 24 (U.S. Cl. 42).

Owner of Switzerland Reg. No. 307,719, dated  
Sep. 25, 1980, expires Sep. 25, 2000.

Owner of U.S. Reg. No. 1,132,716.

Sur. No. 297,627, filed Feb. 18, 1981.

ROBERT M. ANDERSON, Examining Attorney

Int. Cls.: 6, 7, 20 and 24

Prior U.S. Cls.: 12, 13, 23, 32 and 42

United States Patent and Trademark Office

Reg. No. 1,313,063

Registered Jan. 8, 1986

TRADEMARK  
Principal Register



Silent Gliss International Ltd. (Switzerland  
corporation)  
Belpstrasse 3  
Muri near Berne, Switzerland

For: METAL EXTERIOR BLINDS AND PARTS THEREOF; METAL FOLDING DOORS; AND METAL HARDWARE SOLD SEPARATELY FOR USE IN INSTALLATION AND OPERATION OF MOVABLE WALL PANELS AND CURTAINS—NAMESLY, CHANNELS, RAILINGS, ROLLERS, BRACKETS AND HOOKS, in CLASS 6 (U.S. Cls. 12 and 32).

For: ELECTROMECHANICAL TRANSPORT MECHANISMS FOR CURTAINS, in CLASS 7 (U.S. Cl. 23).

For: SUPPORTING, GUIDING AND ACTUATING DEVICES MADE OF PLASTIC OR PRIMARILY OF PLASTIC, FOR CURTAINS; PLASTIC VERTICAL BLINDS; VERTICAL BLINDS MADE OF TEXTILE MATERIALS AND GLASS FIBERS; PLASTIC FOLDED DOORS AND FOLDED DOORS MADE OF WOVEN WOOD; ACCESSORIES FOR CURTAIN RAILS—NAMESLY, SUPPORTS, END COVERS,

CORD GUIDES, GLIDERS AND ROLLERS, HOOKS, ALL SORT OF CONNECTING PARTS, HANGERS, CORD DRAWN TRACK MECHANISMS, MAGAZINES FOR SCREWS, END STOPS, CURTAIN MECHANISMS FOR STAGES, SEPARATIONS OF COMPARTMENTS ESPECIALLY FOR HOSPITALS, ALL MADE OF PLASTIC OR PRIMARILY OF PLASTIC, in CLASS 20 (U.S. Cls. 13 and 32).

For: CURTAINS INCLUDING CURTAIN STRIPS MADE OF TEXTILES, TEXTILES FOR USE IN MAKING CURTAINS AND CURTAIN TAPES MADE OF TEXTILE, in CLASS 24 (U.S. Cl. 42).

Priority claimed under Sec. 44(d) on Switzerland application No. 4,336, filed Aug. 14, 1981, Reg. No. 315,154, dated Aug. 28, 1982, expires Aug. 14, 2001.

Owner of U.S. Reg. Nos. 936,933 and 1,132,716.

Ser. No. 344,062, filed Jan. 22, 1982.

B. C. WASHINGTON, Examining Attorney

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,549,790**

**Registered June 17, 2014**

**Int. Cl.: 37**

**SERVICE MARK**

**PRINCIPAL REGISTER**

SILENT GLISS INTERNATIONAL AG (SWITZERLAND AKTIENGESELLSCHAFT (AG))  
WOHLSTRASSE 210  
CH-3073 GÖTTMIS ROTH  
SWITZERLAND

FOR INSTALLATION AND REPAIR OF CURTAIN SYSTEMS, IN CLASS 37 (U.S. CLS. 100,  
103 AND 106)

OWNER OF U.S. REG. NOS. 1,132,716, 1,221,788, AND 1,313,083

PRIORITY DATE OF 5-21-2013 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1176992 DATED 7-30-2013, EXPIRES 7-30-  
2023

THE MARK CONSISTS OF THE WORDING "SILENTGLISS" IN STYLIZED FONT WITH A  
DESIGN OF A CAT AND CURVED LINES.

SER. NO. 79-126,680, FILED 7-30-2013

NATALIE POLZER, EXAMINING ATTORNEY

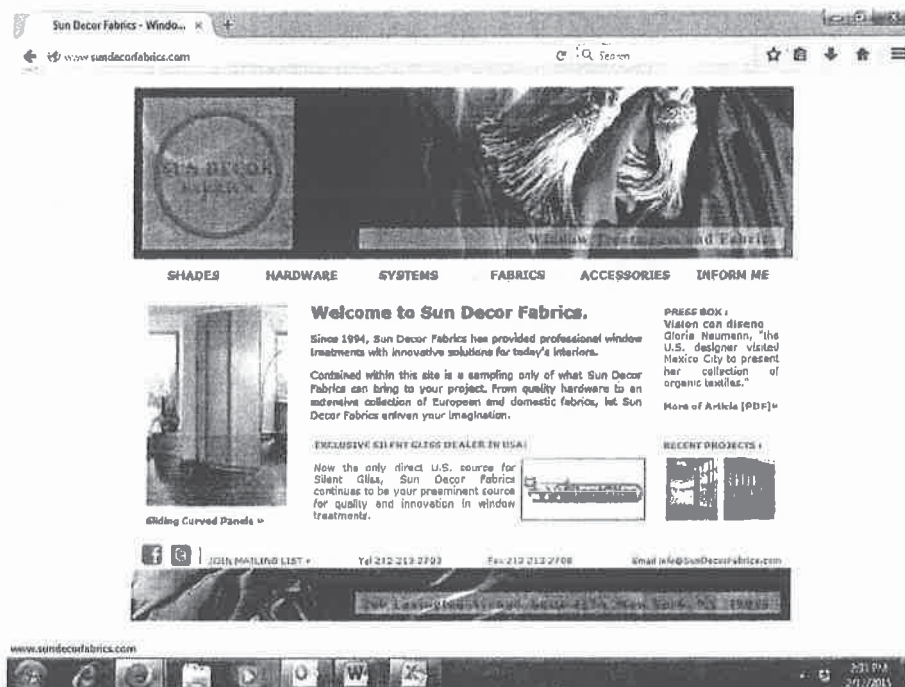


*Michelle K. Lee*

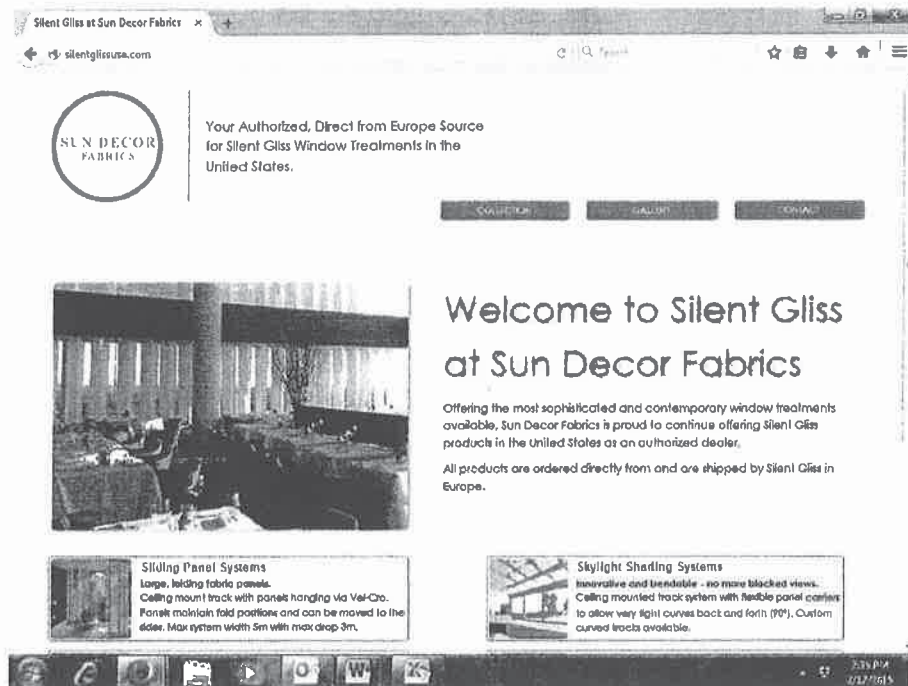
Deputy Director of the United States  
Patent and Trademark Office

# **EXHIBIT B**





# EXHIBIT C





# EXHIBIT D

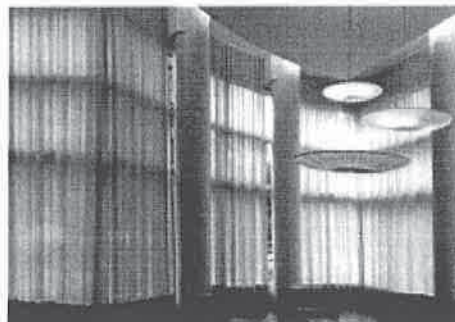
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Your Authorized, Direct from Europe Source  
for Silent Gliss Window Treatments in the  
United States.

## Cord Operated Drapery Track Systems

The use of high grade plastics with precision engineered aluminum results in the most efficient drapery tracks available on the market today. Cord operation avoids the need to touch the curtains and helps to easily control heavy or inaccessible draperies. [LEARN MORE](#)



## Hand Operated Drapery Track Systems

Silent Gliss' precision engineered tracks are found all over the world, guaranteeing smooth, trouble-free operation. Their extensive range covers tracks from lightweight right up to systems for very heavy interlined curtains, the perfect solution for both contract and domestic applications. [LEARN MORE](#)



## Curved & Motorized Drapery Track Systems

Curved drapery tracks may have forward and reverse bends. Drapery tracks can be corded at both ends by employing an intermediate pulley. All stacking variations available.

Silent Gliss drapery track systems can be manually operated or motorized. The track can be customized to fit the contour of almost any window. During the manufacturing process, tracks are matched against actual templates created on-site. Various applications are available: pinch pleat, S-fold, or the WAVE.

WAVE - contemporary drapery head tape system that allows for smooth, unique and uniformly continuous wave effect of draperies.

WAVE XL - Stunning new WAVES along the window [14 inches deep] reflect the current trends towards smooth rounded forms in today's interior design.

Drapery Track Systems - Sun Decor Fabrics

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<http://www.silentglissusa.com/eLetters/draperyTracks.html>

4/16/2015



# **EXHIBIT E**


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### About City USA Exquisite Deals

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### San Diego Palace

San Diego Palace is a luxury hotel located in the heart of San Diego. It offers a wide range of amenities, including a swimming pool, spa, and restaurant. The hotel is also conveniently located near the airport and downtown San Diego.

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 City: Irvine  
 State: CA  
 Zip: 92618  
 Country: United States  
 Phone: (949) 233-2700  
 Fax: (949) 233-2700  
 Web: <http://www.sundecorfabrics.com>  
 Email: [info@sundecorfabrics.com](mailto:info@sundecorfabrics.com)  
 Type: Manufacturer

Since 1998, Sun Decor Fabrics has provided an elegant and versatile range of high quality window solutions for many applications.  
 Find a wide selection of window treatments at Sun Decor Fabrics. Sun Decor Fabrics has been a pioneer in the window treatment industry for over 15 years. Sun Decor Fabrics has been a pioneer in the window treatment industry for over 15 years. Sun Decor Fabrics has been a pioneer in the window treatment industry for over 15 years.

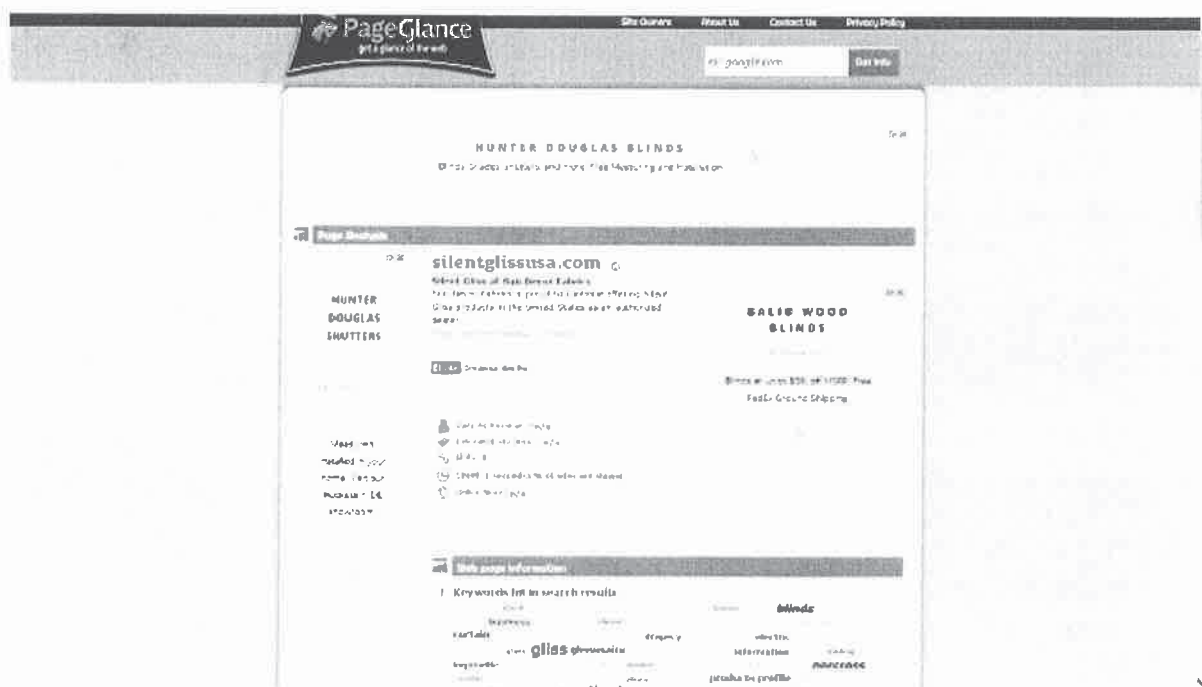
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Request more information from Sun Decor Fabrics, please complete the form below.  
 Name:   
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 Company:   
 Type:  Select Option  
 Phone:   
 Email:

Custom Colorfast and  
 Durable Window Treatments  
 Architectural Corp.



# EXHIBIT F

TANNENBAUM HELPERN SYRACUSE & HIRSCHTRITT LLP

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**L. Donald Prutzman**  
Writer's Direct Dial: (212) 508-6739  
E-mail: prutzman@thsh.com

February 13, 2015

**VIA FEDERAL EXPRESS**  
**and EMAIL**

Sun Decor Fabrics  
200 Lexington Avenue, Suite 417A  
New York, New York 10016  
Email: info@SunDecorFabrics.com

Re: Silent Gliss

Ladies and Gentlemen:

This firm represents Silent Gliss International AG ("SGI"), the manufacturer and supplier of Silent Gliss® window treatment products, and Silent Gliss Inc. ("SGUSA"), the exclusive authorized United States distributor of Silent Gliss® products. SGI owns United States Trademark Registrations Nos. 1,132,716 and 1,221,788 for the mark SILENT GLISS® and United States Trademark Registrations Nos. 1,313,083 and 4,549,740 for the mark SILENT GLISS and design®.

Our clients have asked us to write to you because Sun Decor Fabrics has, for some time, been misrepresenting to the consuming public and the trade that it is the exclusive authorized dealer, or an authorized dealer, for Silent Gliss products in the United States and has been operating an Internet website featuring Silent Gliss products using the Internet domain name <silentglissusa.com>, on which you claim to be an authorized Silent Gliss dealer. In fact, Sun Decor Fabrics is neither the exclusive authorized U.S. Silent Gliss dealer or even an authorized Silent Gliss dealer. Our clients have repeatedly asked you to stop making these false representations but you have intransigently continued to do so.

Specifically, the home page of your Internet website, located at <sundecorfabrics.com>, a screenprint of which is enclosed as Exhibit A, prominently states:

TANNENBAUM HELPERN SYRACUSE & HIRSCHTRITT LLP

Sun Decor Fabrics  
February 13, 2015  
Page 2 of 5

**EXCLUSIVE SILENT GLISS DEALER IN USA!**

Now the only direct U.S. source for  
Silent Gliss, Sun Decor Fabrics continues  
to be your preeminent source for quality  
and innovation in window treatments.



You are also maintaining a website devoted to Silent Gliss products using the domain name <silentglissusa.com> on the homepage of which you refer to "Sun Decor Fabrics" as "Your Authorized, Direct from Europe Source for Silent Gliss Window Treatments in the United States" and state "Welcome to Silent Gliss at Sun Decor Fabrics. Offering the most sophisticated and contemporary window treatments available, Sun Decor Fabrics is proud to continue offering Silent Gliss Products in the United States *as an authorized dealer*" (emphasis supplied). A screenprint of the home page is enclosed as Exhibit B.

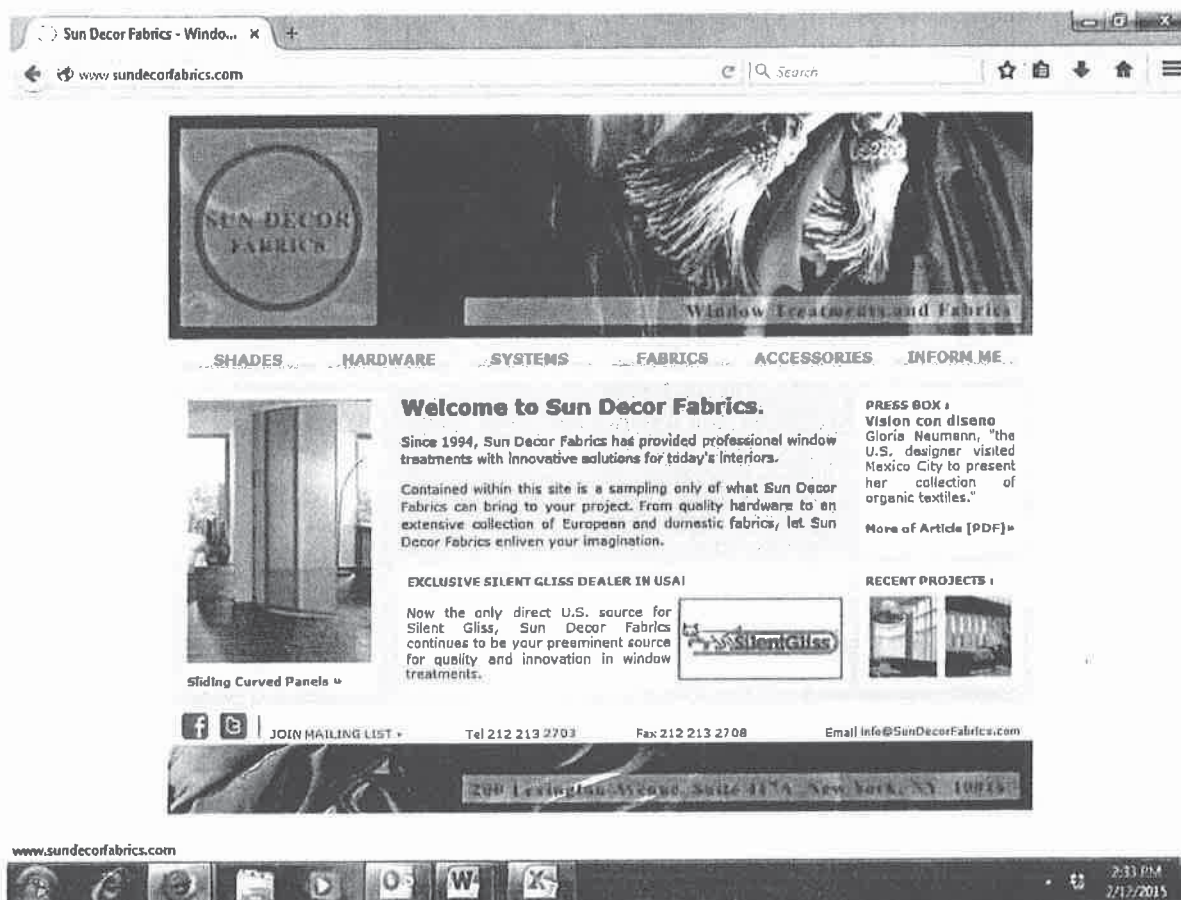
The above statements characterizing yourselves as the exclusive Silent Gliss dealer in the United States and/or as an authorized Silent Gliss dealer are false. You are not an authorized Silent Gliss dealer, let alone the exclusive U.S. Silent Gliss dealer. Our client SGUSA is the exclusive authorized Silent Gliss dealer in the United States. Further, your use of the domain name <silentglissusa.com> falsely conveys the impression that you are the exclusive authorized United States Silent Gliss dealer.

The statements and characterizations described above and your use of the <silentglissusa.com> domain name constitute false and misleading descriptions and representations of fact used in commerce in connection with Silent Gliss' goods in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Further, your display of the SILENT GLISS and design trademark in connection with these false representations constitutes infringement of a registered trademark in violation of §§ 32 and 43(a) of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and unfair competition and common law trademark infringement in violation of the laws of New York and other states. These violations of law subject your company and its principals to liability for injunctive relief, treble damages and attorneys' fees under applicable law.

Accordingly, our clients demand that Sun Decor Fabrics immediately cease (a) making any and all statements, representations or implications, whether written or oral, that Sun Decor is either the exclusive authorized U.S. dealer for Silent Gliss products or an authorized dealer for Silent Gliss products, and (b) displaying the Silent Gliss logo on websites, in any advertising or promotional materials or in any other material available to consumers or the trade. This includes, without



# EXHIBIT A



**EXHIBIT B**

